

Appl. No. : **10/815,884**
Filed : **March 31, 2004**

REMARKS

The foregoing amendments and the following remarks are responsive to the August 31, 2006 Office Action. Claims 11-16 are canceled without prejudice and Claim 17 is amended. Thus, Claims 1-10 and 17-20 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

Comments on Election/Restriction Requirement

In the August 31, 2006 Office Action, the Examiner states that Claims 11-16 are directed to an invention that is independent or distinct from the invention originally claimed.

In response to the restriction requirement, Applicants cancel Claims 11-16 without prejudice, reserving the right to pursue allowance of these claims in a continuation application.

Comments on Priority Document

In the August 31, 2006 Office Action, the Examiner acknowledges papers submitted under 35 U.S.C. 119(a)-(d). Applicants appreciate recording in the file.

Response to Objection of Claim 17

In the August 31, 2006 Office Action, the Examiner objects to Claim 17 because of informalities.

Applicants have amended Claim 17 to recite that "the second electrode is movable relative to the first electrode in response to voltage differences applied to the first electrode and the second electrode." Applicants respectfully request that the Examiner withdraw the objection to Claim 17 and pass this claim to allowance.

Response to Rejections Claims 1, 17, and 19 Under 35 U.S.C. § 112, first paragraph

In the August 31, 2006 Office Action, the Examiner rejected Claims 1, 17, and 19 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that Claims 1, 17, and 19 have been amended in the "Amendment and Response to March 17, 2006 Office Action" to include subject matter that is not supported by the specification as originally filed.

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Applicants submit that the amendments of Claims 1, 17, and 19 in the “Amendment and Response to March 17, 2006 Office Action” are supported by the original specification, including but not limited to, page 1, lines 23-24; page 2, lines 12-16; page 3, lines 3-8; and page 6, lines 25 – page 7, line 10. Applicants respectfully request that the Examiner withdraw the rejection of Claims 1, 17, and 19 and pass these claims to allowance.

Response to Rejection of Claims 1-6, 8-10, and 17-20 Under 35 U.S.C. § 102(b)

In the August 31, 2006 Office Action, the Examiner rejects Claims 1-6, 8-10, and 17-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0027636 to Yamada (“Yamada ‘636”).

Claims 1-6 and 8-10

As previously presented, Claim 1 recites (emphasis added):

1. A color-changeable pixel comprising:
a first electrode;
a second electrode substantially parallel to the first electrode, wherein **the second electrode is movable relative to the first electrode in response to a voltage difference applied to the first electrode and the second electrode**; and
a plurality of supports, located between the first electrode and the second electrode, wherein a restorability of the second electrode to movement relative to the first electrode is dependent on a distribution density of the supports.

Applicants submit that Claim 1 includes limitations that are not disclosed by Yamada ‘636. For example, Yamada ‘636 does not disclose that “the second electrode is movable relative to the first electrode in response to a voltage difference applied to the first electrode and the second electrode.” Yamada ‘636 discloses an LCD display which has spacers between two substrates which keep the gap between the substrates constant even for non-flat liquid crystal displays (see, e.g., Section 348 of Yamada ‘636). Yamada ‘636 discloses a permanently deformed non-flat liquid crystal display (Sections 340 and 343, Figs. 4 and 14 of Yamada ‘636). Yamada ‘636 discloses that a higher spacer density in non-flat regions of the LCD display makes the thickness of the display uniform and keeps the electrodes immovable against each other (see Sections 147 and 348 of Yamada ‘636). Thus, the electrodes of Yamada ‘636 do not move relative to one another, particularly in response to a voltage differences between the two electrodes. Therefore, Applicants submit that Claim 1 is patentably distinguished over Yamada ‘636.

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Each of Claims 2, 5, 6 and 10 depends from Claim 1, and each of Claims 3 and 4 depends from Claim 2. Each of Claims 8 and 9 depends from Claim 10. Therefore, each of Claims 2-6 and 8-10 includes all the limitations of Claim 1 as well as other limitations of particular utility. For at least the reasons stated above with regard to Claim 1, Applicants submit that each of Claims 2-6 and 8-10 are patentably distinguished over Yamada '636. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of Claims 1-6 and 8-10 and pass these claims to allowance.

Claims 17-20

As amended, Claim 17 recites (emphasis added):

17. A method of fabricating a color-changeable pixel, the method comprising:
providing a substrate;
providing a first electrode over the substrate;
providing a second electrode over the first electrode, the second electrode substantially parallel to the first electrode, **the second electrode is movable relative to the first electrode in response to voltage differences applied to the first electrode and the second electrode;** and
providing a plurality of supports between the first electrode and the second electrode, wherein the second electrode has a preselected mechanical response in response to the voltage differences, the preselected mechanical response corresponding to a set of mechanical characteristics of the plurality of supports.

Applicants submit that Claim 17 includes limitations that are not disclosed by Yamada '636. For reasons similar to described above for Claims 1-6 and 8-10, Applicants submit that Claim 17 is patentably distinguished over Yamada '636. Each of Claims 18-20 depends from Claim 17. Therefore, each of Claims 18-20 includes all the limitations of Claim 17 as well as other limitations of particular utility. For at least the reasons stated above with regard to Claim 17, Applicants submit that each of Claims 18-20 are patentably distinguished over Yamada '636. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of Claims 17-20 and pass these claims to allowance.

Response to Rejection of Claim 7 Under 35 U.S.C. § 103(a)

In the August 31, 2006 Office Action, the Examiner rejects Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Yamada '636 in view of U.S. Patent No. 6,809,788 issued to Yamada ("Yamada '788").

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As described above, Applicants submit that Claim 1 includes limitations that are not disclosed or suggested by Yamada '636. Applicants further submit that the limitations of Claim 1 missing from Yamada '636 are not disclosed or suggested by Yamada '788. Therefore, Applicants respectfully submit that Claim 1 is patentably distinguished over Yamada '636 and Yamada '788 combined.

Claim 7 depends from Claim 6 which depends from Claim 1. Therefore, Claim 7 includes all the limitations of Claim 1 as well as other limitations of particular utility. For at least the reasons stated above with regard to Claim 1, Applicants submit that Claim 7 is patentably distinguished over Yamada '636 and Yamada '788 combined, and Applicants respectfully request that the Examiner withdraw the rejection of Claim 7 and pass Claim 7 to allowance.

Summary

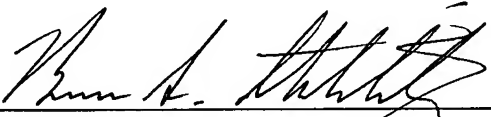
For the foregoing reasons, Applicants submit that Claims 1-10 and 17-20 are in condition for allowance, and Applicants respectfully request such action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Dated: 10/18/06

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